

Serial No.: 10/672,621

Attorney Docket No.: 03P8212US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-16 are pending. Claims 1, 7-14, and 16 have been amended to more particularly point out Applicants' invention. Claims 4, 12 and 15 have been amended into independent form. The Specification has been amended to provide serial numbers for related applications. No new matter has been added.

Claims 1-16 were rejected under 35 U.S.C. §102(e) as being anticipated by Murray, U.S. Patent No. 6,484,033 ("Murray"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray.

As discussed in the Specification, aspects of the present invention relate to a presence and availability system in which location and speed of a user device are taken into account via a one or more presence rules when determining the availability or presence status of the user. The presence status and availability may then be transmitted to registered or authorized users.

Thus, claim 1 has been amended to recite "wherein said position and speed of movement information is used to derive an availability of an associated network client and said presence server is configured to transmit said availability to network clients who are registered to receive said availability;" claim 7 has been amended to recite "a presence server configured to transmit to other telecommunication devices registered to receive an availability of a user of the telecommunications device;" and claim 13 has been amended to recite "receiving one or more user positioning and presence correlation rules at a presence server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said presence server via a wireless communication network."

In contrast, Murray merely relates to a pager system that has a calendar service, rather than a presence service as generally recited in the claims at issue. Rather than

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multiple registered users being able to obtain presence information via registering a watcher list, in Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. Status, however, is not distributed among multiple users as in a presence system, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In addition, claims 4, 12, 15, and 16 recite a "hysteresis threshold." Applicants respectfully submit that Murray has nothing to do with hysteresis thresholds. As described in the Specification, According to one embodiment of the present invention, a hysteresis threshold can be set to prevent continuous toggling of presence states. Murray provides no such features. That is, in Murray, it would appear that a user could toggle between being able to make it back in time, and not. Thus, Murray appear representative of problems solved by the present invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Date: 19 Oct 05

Respectfully submitted,

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